

REMARKS

Status Of Application

Claims 1-14 are pending in the application; the status of the claims is as follows:

Claims 1 and 6 are objected to because of informalities.

Claims 5 and 6 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 9, 11, and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 2, and 5-8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,725,431 to Myers (“Myers”).

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view of U.S. Patent No. 4,067,626 to McElwain (“McElwain”).

Claims 9-14 rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view of U.S. Patent No. 5,580,314 to Moriyama (“Moriyama”).

By this response, claims 15-18 have been added in order to provide a more sufficient basis of protection for the present invention. These claims do not introduce any new matter.

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received in this National Stage application from the International Bureau, is noted with appreciation.

The courtesy of Examiner Pilkington to grant applicant's attorney an interview on November 18, 2008 is noted with appreciation. The amendments and remarks herein are consistent with the comments offered in the interview.

Objections to the Drawings

The examiner's objections to the drawings under 37 C.F.R. 11.83(a) are noted. A number of amendments have been made to the claims. In light of these amendments, examiner's objections to the drawings (Office Action, Par. 1) are considered to be moot.

Claim Amendments

Claims 1, 5, 6, 9, 11, and 12 have been amended to more clearly point out the structure of the claimed invention. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Claims 1 and 6 have also been amended to correct minor informalities noted by the examiner. These changes do not introduce any new matter.

Claims 15-18 have been added to provide a more sufficient basis of protection for the present invention. These changes do not introduce any new matter.

35 U.S.C. § 112 Rejections

By this response, claims 5 and 6 have been amended. To address the examiner's comments, the limitation of an "engaging projection provided in said yoke arm . . ." has been removed from claim 5 and such limitation was added to claim 6 as part of the bearing cup. These limitations are supported by the specification. For example, page 15 reads, in part, "the resistance applying mechanism is configured by a cam surface 76 and an engaging projection 75." 15:11-13. Additional examples of support can be found on pages 15 and 16 (15:11-16:4) and in Figures 14-16. As a result, the rejection of claims 5 and 6 under the first

paragraph of 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, is considered to be moot.

Accordingly, it is respectfully requested that the rejection of claims 5 and 6 under the first paragraph of 35 U.S.C. § 112 (Office Action, Par. 4) be reconsidered and withdrawn.

Claims 9, 11, and 12 have also been amended. The claim language subject to the rejection, "a steering mechanism at the side of vehicle body", has been amended to "a steering mechanism of the vehicle". The amendments clarify a limitation in claims 9, 11, and 12 wherein the universal joint is located between a steering column (on the driver side of the universal joint(s)) and a vehicle steering mechanism such as a rack-pinion arrangement (on the other side of the universal joint(s)).

Accordingly, it is respectfully requested that the rejection of claims 9, 11, and 12 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention (Office Action, Par. 6), be reconsidered and withdrawn.

35 U.S.C. § 102(b) Rejection

The rejection of claims 1, 2, and 5-8 under 35 U.S.C. § 102(b) as being anticipated by Myers (Office Action, Par. 8), is respectfully traversed based on the following.

Claim 1, as currently amended, recites:

A universal joint, comprising:
an input shaft;
a pair of yoke arms provided for said input shaft;
an output shaft;
a pair of yoke arms provided for said output shaft;
a cross member having four spider arms, configured in a cross pattern;
two bearings provided between the tip parts of two of said four spider arms,
which are disposed oppositely to each other and two yoke arms of said input shaft;
and

two bearings provided between the tip parts of the other two of said four spider arms, which are disposed oppositely to each other and two yoke arms of said output shaft,

wherein said universal joint further includes a resistance applying mechanism adapted to generate the maximum resistance load in an oscillating movement of each of said two spider arms when axes of said two spider arms are included in a plane that includes the axes of both of said input and output shafts.

(emphasis added).

Thus, the resistance applying mechanism of claim 1 is structurally adapted to generate a load that resists the oscillating movement of the cross member, with the load reaching a maximum at a specific orientation of the cross member with respect to the input and output shafts.

In order to anticipate claim 1, Myers must disclose every limitation of the claim. As shown below, Myers cannot anticipate claim 1 because it does not disclose every limitation of the claim.

Myers discloses a thrust washer for absorbing the radially directed thrust loads caused by a certain amount of radial movement or play between a universal joint's components which result from "manufacturing tolerances associated with the dimensions of the bearing cups 20, the turnnions 12, yokes and fastening devices." (Myers, 5:23-30). Myers explains that the preloading force generated by the thrust washer is important to have only "during the initial balancing process of the drive-shafts," and that once this balancing process is complete, the thrust washer may no longer be needed and should be allowed to wear away. (Myers, 7:33-47). The Myers reference does not disclose a resistance applying mechanism adapted to generate a load for resisting the oscillation of the cross member whereby the maximum load is generated when the cross member is at a specific orientation with respect to the input and output shafts ("Resistance Applying Mechanism"). Therefore, Myers fails to disclose all the limitations of claim 1 and cannot anticipate this claim.

Claims 2 and 5-8 depend from claim 1 and thus include every limitation of claim 1. Therefore, Myers cannot anticipate claims 2 and 5-8 due at least to their dependence from claim 1.

Accordingly, it is respectfully requested that the rejection of claims 1, 2, and 5-8 under 35 U.S.C. § 102(b) as being anticipated by Myers, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 3 and 4 under 35 U.S.C. § 103(a), as being unpatentable over Myers in view of McElwain (Office Action, Par. 10), is respectfully traversed based on the following.

To support a *prima facie* case for obviousness, the combination of Myers and McElwain, singly or in combination, must show or suggest every limitation in claims 3 and 4. MPEP § 2143.03. Claims 3 and 4 depend from, and therefore include all the limitations of claim 1 including the Resistance Applying Mechanism limitation. The examiner contends that the combination of Myers and McElwain discloses all the limitations in claims 3 and 4. However, as discussed above, Myers does not disclose the Resistance Applying Mechanism limitation. McElwain also fails to disclose this limitation. Thus, although there are additional distinctions between the inventions of these claims and the combination of Myers and McElwain, the failure of this combination to disclose the Resistance Applying Mechanism is by itself sufficient to demonstrate that this combination cannot render claims 3 and 4 obvious.

Accordingly, it is respectfully requested that the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Myers in view of McElwain, be reconsidered and withdrawn.

The rejection of claims 9-14 under 35 U.S.C. § 103(a), as being unpatentable over Myers in view of Moriyama (Office Action, Par. 11), is respectfully traversed based on the following.

To render the instant claims obvious, the combination of Myers and Moriyama, singly or in combination, must show or suggest every limitation. Claims 9-14 depend from, and therefore include all the limitations of claim 1 including the Resistance Applying Mechanism limitation. The examiner contends that the combination of Myers and Moriyama discloses all the limitations in claims 9-14. However, as discussed above, Myers does not disclose the Resistance Applying Mechanism limitation. Moriyama also fails to disclose this limitation. Thus, although there are additional distinctions between the inventions of claims 9-14 and the combination of Myers and Moriyama, the failure of this combination to disclose the Resistance Applying Mechanism is by itself sufficient to demonstrate that this combination cannot render claims 9-14 obvious.

Accordingly, it is respectfully requested that the rejection of claims 9-14 under 35 U.S.C. § 103(a) as being unpatentable over Myers in view of Moriyama, be reconsidered and withdrawn.

CONCLUSION

Therefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully requested.

This Amendment increases the number of independent claims by 1 from 1 to 2 (3 claims previously paid for) and increases the total number of claims by 2 from 34 to 36, but does not present any multiple dependency claims. Accordingly, please charge the amount of \$104.00 to Sidley Austin LLP Deposit Account No. 18-1260.

Application No. 10/561,254
Amendment dated November 20, 2008
Reply to Office Action of August 20, 2008

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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